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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,064	08/02/1999	JASON ROBERT MALAURE	GIL4-BH60	2626

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/11/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/366,064

Applicant(s)

MALAURE ET AL.

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14-17 and 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 14 and 19, which depend on claim 7 and 18 respectively, it is impossible that each target platform comprises **a plurality of application processors** as claimed while in claims 7 and 18 cites each target platform comprises **an application processor**. Examiner interprets claim 14 depends on claim 1, and claim 19 depends on claim 9. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1- 9, 11-^{and 19}~~14~~, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travaille et al. (US 6,067,107), in view of Agraharam et al. (US 6,389,471), and further in view of Goodman et al. (US 6,427,238).

OK

Regarding claim 1, Travaille et al. teaches a method of delivery an interactive application to a plurality of "target platforms" via broadcast medium, the method comprising:

providing interactive application 115 based on the programs to be broadcasted in play list 113 provided by broadcaster 114;

converting the interactive application 115 into a plurality of streams of broadcast data by Data Insertion Unit 116 (DIU), each stream of broadcast data conforming with a respective target receiver; and

delivering each stream of broadcast data to its respective receiver by transmitter 118(see figure 1 and col. 5, line 1-col. 6, line 41). Travaille further discloses plurality of broadcast servers 110, with each broadcast server 110 serving a particular geographic

Art Unit: 2611

area, set of broadcaster, or set of subscribers (see col. 4, lines 55-59). However, Travaille does not specifically disclose each broadcast network operating a respectively different broadcast protocols and the interactive application comprises components.

Agraharam et al. teaches each broadcast network operating a respectively different broadcast protocols (because the information retrieved from the WWW is generally in HTML, it may be necessary to convert the HTML to a format that is compatible with the broadcast receiver. Thus, if the broadcast receivers operate in the MPEG-2 format, the controller 303 will direct the broadcast interface 308 to encode the multimedia documents constituting the broadcast in MPEG-2 format (see col. 3, lines 1-20, col. 4, lines 40-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Travaille to use the teaching as taught by Agraharam in order to provide data compatible to the receiver. However, neither Travaille nor Agraharam specifically disclose the interactive application comprises components.

Goodman et al. discloses the modules contained in the signals from module sources may comprise components of an interactive application. The modules can contain any type of data such as application code, raw data or graphical information (see col. 3, lines 50-60; col. 6, lines 5-44 and figure 3). Therefore, the interactive application comprises "a set of application components." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Travaille and

Art Unit: 2611

Agraharam to use the teaching as taught by Goodman in order to perform different functions as the receiver.

Regarding claim 2, Agraharam discloses the session conductor prepares a multimedia broadcast by using the multimedia authoring tool 306 to create, retrieve, or edit audio, video and text information from the local servers 307 or remote servers 105 (see col. 2, line 65-col. 3, line 2). Agraharam further discloses during the broadcast session, the session conductor and the members of the session audience operating the client terminals 103, 104 may individually interface with each other, the members of client terminals 103, 104, may establish an interactive data link with the conductor session terminal 201. The interactive data link may include a "white board", which allows a hand drawn sketch to be communicated via a real time video link. Further, members of client terminals 103, 104 and the session conductor may enter private or public chat rooms, and exchange typed text messages (see col. 5, lines 25-39). The controller 303 directs the broadcast interface 308 to broadcast a data signal in the format corresponding to capability of the client terminals 103, 104 (see col. 6, lines 35-55). Necessarily, the method comprising manually inputting real time application data (real time video or chat data); converting the real time application data into a plurality of streams of real time broadcast data, each stream of real time broadcast data conforming with a respective target platform (transmitted as HTML format or convert to MPEG-2 before transmit to receiver); delivering each stream of real time broadcast data to its respective target platform.

Regarding claim 3, Travaille et al. discloses storing the application components in a data store 112; and retrieving the application components from the data store before converting it into a stream of broadcast data (see figure 1).

Regarding claim 4, Agraharam teaches the step of converting comprises adapting for different data transmission mechanism (convert the data signal from to the format compatible with the receivers 204- see col. 6, lines 35-55).

Regarding claim 5, Travaille et al. discloses receiving and processing user responses from receiver 120 by local data center 122 and master data center 128 (see figure 1 and col. 8, line 15+).

Regarding claim 6, Travaille et al. discloses the application comprises a game and the return data comprises response to the questions (see col. 10, lines 19-34).

Regarding claim 7, Agraharam teaches the "target platform" comprises an application processor (receiver 204).

Regarding claim 8, Agraharam teaches interrogating the application processor (receivers 204) to determine the data capabilities of the application processor; and

Art Unit: 2611

download data from the stream of broadcast data in accordance with the determined data capabilities of the application processor (see figure 6 and col. 6, lines 35-55).

Regarding claim 9, the limitations of the apparatus correspond to the limitations of the method as claimed in claim 1 and are analyzed as discussed with respect to the rejection of claim 1.

Regarding claim 11, Goodman teaches the modules can contain any type of data, such as application code, raw data or graphical information (see col. 3, lines 50-60). It is obvious that the application components comprise one or more of executable program files, bit maps, sound samples, real-time instructions, and video chips in order to perform different functions as receiver.

Regarding claim 12, Travaille teaches the method comprising substituting an application component with an alternative component on one of broadcast data streams (see col. 14, line 13-col. 15, line 17).

Regarding claim 14, Goodman discloses set top box 22 comprises processing unit 32 demultiplexes the packets from the broadcast signal if necessary and reconstructs the television programs and/or interactive applications embodied in the signal, the display unit 34 which may perform further processing and conversion of the information into a suitable television format, such as NTSC or HDTV audio/video (see col. 5, line 3+).

Thus, Goodman teaches each target platform (STB 22) comprises a plurality of application processors (processing unit 32, display unit 34, etc.).

Regarding claims 13, 18, 19 the limitations of the apparatus correspond to the limitations of the method as claimed in claims 12, 7, 14 and are analyzed as discussed with respect to the rejection of claims 12, 7, 14.

6. Claims 15-17,20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travaille et al. (US 6,067,107), in view of Agraharam et al. (US 6,389,471) and Goodman et al. (US 6,427,238); and further in view of Lappington et al. (US 5,764,275).

Regarding claim 15, Travaille in view of Agraharam and Goodman teaches a method as discussed in the rejection of claim 14. However, none of these references explicitly discloses the converting step compensates for timing differences between the broadcast networks in handling the broadcast data so as to temporally synchronize the broadcast data at each application processor.

Lappington teaches compensates for timing differences between the broadcast networks in handling the broadcast data so as to temporally synchronize the broadcast data at each application processor (delaying transmitted signals- see col. 3, line 19+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2611

invention was made to modify Travaille, Agraharam and Goodman to use the teaching as taught by Lappington in order to expand capabilities of the system.

Regarding claim 16, Lappington teaches selectively delaying broadcast of data to the target platforms (see 3, line 19+).

Regarding claim 17, Lappington teaches including timing information in the broadcast data (embedded time stamp in the interactive data- see col. 3, line 19+).

Regarding claims 20-22, the limitations of the apparatus correspond to the limitations of the method as claimed in claims 15-17 and are analyzed as discussed with respect to the rejection of claims 15-17.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saunders et al. (US 6,091,703) teaches embedding timing control information in downlink signal (see col. 4, line 15+).

Rangan et al. (US 6,493,872) teaches method and apparatus for synchronous presentation of video and audio transmission and their interactive enhancement streams for TV and Internet environments.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for

Art Unit: 2611

the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh
September 5, 2003


CHRIS GRANT
PRIMARY EXAMINER